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PEROT SYSTEMS CORPORATION

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 ANGELITA GOMEZ, individually and on
19 behalf of all others similarly situated

20 Plaintiff,

21 vs.

22 PEROT SYSTEMS CORPORATION and
23 DOES 1-25, inclusive,

24 Defendants.

Case No. CV-08-03337-SC

**STIPULATION AND [PROPOSED]
ORDER REGARDING ADR & CASE
MANAGEMENT CONFERENCE**

Honorable Samuel Conti

26
27 Defendant Perot Systems Corporation ("Defendant") and Plaintiff Angelita Gomez
28 ("Plaintiff") (collectively referred to here as "the Parties") request a continuance of their ADR date

1 and the next Case Management Conference until May 29, 2009. The basis of the request is that the
 2 parties need additional time to conduct discovery necessary for mediation.

3 By way of background, this case is a putative class action concerning the alleged failure to
 4 compensate employees for time spent while “on call” and allegedly subject to the control of their
 5 employer. Since the initial Case Management Conference on November 21, 2008, the parties have
 6 through meet and confer agreed to conduct discovery in two phases. Phase I includes the production
 7 of company policy documents, technical data, and documents that may bear upon class certification
 8 and merits issues. Defendant began the production of these documents and data on February 13,
 9 2009. Phase II discovery will include electronic document searches of Defendant’s client entities, as
 10 well as depositions of Defendant’s 30(b)(6) witnesses and the production of wage and payroll data.
 11 The parties expect Phase II to be completed by May. The parties agree that both Phase I and Phase II
 12 discovery needs to occur to prepare for mediation.

13 Plaintiff suggested that the parties participate in a mediation session on May 8, 2009 before
 14 Mark Rudy, Esq. Defendant informed Plaintiffs on February 24, 2009 that it does not believe
 15 mediation on this date would be appropriate given its expectation that Phase II discovery will be
 16 ongoing. The parties agree to schedule mediation after Phase II discovery is complete.

17 Accordingly, the parties request the Court vacate the ADR deadline and move the Case
 18 Management Conference from April 17, 2009, to May 29, 2009 at 10 a.m. in Courtroom 1. The
 19 parties believe they will be able to provide the Court with a more meaningful status update by the end
 20 of May assuming progress pursuant to the parties’ phased discovery agreement.

21 Dated: February 27, 2009

CHAVEZ & GERTLER LLP

SCHNEIDER WALLACE
 COTTRELL BRAYTON
 KONECKY LLP

LAW OFFICES OF RICARDO DE ROSA

By:



Christian Schreiber

Attorneys for Plaintiff Angelita Gomez

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1 Dated: February 27, 2009

JACKSON LEWIS LLP

2 By: _____
3

JoAnna L. Brooks
Timothy C. Travelstead
Anne V. Leinfelder
Attorney for Defendant
PEROT SYSTEMS CORP.,
a Delaware Corporation

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8 **ORDER**9 Upon review of the foregoing Stipulation and good cause appearing therefore, the Court makes
10 the following ORDERS:

11 1. The ADR Deadline is VACATED and will be reset at the next Case Management
12 Conference;

13 2. The Case Management Conference currently scheduled for April 17, 2009, is
14 CONTINUED to May 29, 2009, at 10 a.m. in Courtroom 1. The Parties shall file a joint
15 Case Management Conference Statement seven (7) days prior to the status conference.

16

17

18 March 2, 2009
19 Dated: February _____, 2009